IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

Bail Appl..No. 6139 of 2007()

CRIME NO.675/07 OF CHENGAMANADU POLICE STATION.

PETITIONER:

ANIL. P.V.,
S/O. VALSAN,
AGED 30 YEARS,
PANACHIKKAL HOUSE,
KURUMASSERY,
PARAKKADAVU VILLAGE,
ALUVA TALUK.

BY ADV. SRI.C.A.CHACKO
SRI.BENNY VARGHESE
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

THE STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE,
CHENGAMANADU,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6139 OF 2007

Dated this the 11th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the 2nd accused. Altogether, there are three accused persons. The 1st accused is a person of bad reputation and who is registered as a rowdy in the local police station. The crux of the allegations is that all the three accused persons went to the shop – a glass emporium run by the de facto complaint who happens to be the General Secretary of the local unit of the Vyapara Vyavasaya Ekopana Samithy. Demanding goonda levy, the accused persons had allegedly threatened and intimidated the de facto complainant. Later also the de facto complainant was contacted over the telephone and demands and threats were repeated. The alleged incident took place on 15/8/07. A complaint was lodged on 16/8/07. Crime has been

registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner has no criminal antecedents. The complaint has not been lodged promptly. There is one day's delay in lodging the complaint. In these circumstances, the petitioner may be granted anticipatory bail, it is prayed.

3. The learned Public Prosecutor vehemently opposes the application. There is absolutely nothing to show that the allegations are false and are raised with any vexatious intent. In any view of the matter, considering the nature of the allegations and the stage of the investigation, the petitioner may not be granted anticipatory bail, it is submitted.

4. I have considered all the relevant inputs. The Case Diary has been perused by me. At this early stage, I shall carefully avoid any detailed discussions on merits about the acceptability of the allegations and the credibility of the data collected. Suffice it to say that I am unable to perceive any features in this case which would justify or warrant the invocation of the extraordinary equitable discretion under Sec.438 of the Cr.P.C. This, I am satisfied, is a fit case where the

petitioner must appear before the Investigating Officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

5. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the Investigating Officer or the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge